Previous references.

1
190
(Sep Rev.)

File No. 21 of 1901-02

Serial Nos. 1—9

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—9

Weiss ~~Part~~ B. for

SUBJECT.

Complaint of Rame Urs licensee of Tippur Toddy Shop against cls resale.

Sl 1. From Rame Urs, Byadanakallu, Yedatore Rlw 2.6.02.

Appeals against the order of the Deputy Commr, Mysore Dt, declining to take action in the matter of the resale of the toddy shop at Shippur held in the months of April 1902.

Sl 2. To the Excise Comr in Mysore. Memo no 573 D 30.6.02.

Forwards the above petition for report together with the complete records of the case.

Sl 3. From Rame Urs. Kelu D 29.1.03. Submits

G. R. S. 58 Reminder to his petition D 2.6.02 and prays that enquiry may be ordered to be held in his presence.

P.T.O

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

115-16 A 6/8703,
Sep Rev. 21 of 1901-02

Office Note.

Branch Excise

Subject Concealment of Rame Urs, licensee of Tippu-toddy shop for 1902-03 against the pesale of the shop held in April 1902

Rame Urs worked his toddy shop at Tippur & regularly paid up the kists till the end of Feby 03 - In march 03 he failed to pay up the kist for that month.

- Under the rules in force steps were taken on 31/3/03 for the pesale of the shop.

- Pesale was advertised for the 10th April 03

- The licensee has on the date of sale i.e. 10/4/03 endorsed on the back of the sale notice that he may

allowed a few days time
for the pay[t] of the amount
& that the sale may[y] be
adjourned. — The paper
does not seem to have
been considered as the
resale was held on the
10 April on. There was
no proclamation on that
date the resale was adj[d]
to the 12th & knocked down
for Rs 12/- 10 days after
the resale the defaulter
was credited Rs 13/- to
the treasury thro' the
Excise Inspector, towards
the Khist for March.
& the balance on the
29th idem — The defaulter
explained his default was
due to the deceit of the
sub Contractor Abu Sonda.
the latter is reported to be
dead & his son denies
the sub lease —

In this case the rules
have been very grossly

Office of the Dewan of Mysore.

File No: (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch

Subject

enforced the taluk authorities could have shown some ~~Concession~~ Concession as there were only 3 months for the year to close & the Kists for the period had been paid in advance as security deposit & as the defaulters asked ~~for some time~~ an adjt for the payt of the Kist for March on

The Patel of the Village that he had paid up half the amt of Kist for March before the date of grain had been distrained

The Patel prays that the Order sustained by him may be ordered to be reconfirmed by the present

His Lordship is indefinite

and Cannot be granted

Filed for orders

Vice

21/7/03.

Under Rule IX of the Todday Rules of 17th/1/02 "... all orders ... proceedings taken by ... of the Exam Dept. under these rules shall, except as otherwise provided, be subject to dispersal w. their immediate suspension within 2 months from the date of the passing of such order or proceedings."

In this case the order appealed against was passed by the Exam & an appeal seems to lie to the Exam Comm

2) However this rule may be waived & the

Can ~~decide~~ consider on the merits (as a separate question) from s. [illegible] ; Rule II of the Todday Rules states, ~~in the~~ when default is made in payment of a month's rent, either re-sale or the issue of licence to sub-tenant under the defaulting ~~lessee~~ licensee

The Dy Com's report shows that there was no sub-tender as alleged by the petrs & the re-sale followed as a matter of course, the rules apparently giving the Dy Com no discretion to grant extension time for the payment of instalments

At any rate the Dy Com's in a better position than the Govt to decide whether extension of time can be safely given for payment of the monthly rental in any individual case; and there is nothing to show that the Dy Com's action was particularly harsh

6

3) The petr alleges that he has sustained loss by the re-sale & wants Govt to recoup it The matter however seems to be the other way, as, owing to the petr's default & the consequent re-sale, the monthly rental went down from Rs 26 & 4/12 for subsequent to March 1902 and as the default thereby caused is recoverable from the petr under para 11 of the license form A as well as under para 5(iv) of Rule IV of the Toddy Rules

22/7/03

Sec

I do not think that the Excise Comm- has appellate powers over the Dy Commr- Has not the question been raised elsewhere? Please

/

fact as the Rule.

On the merits, the first 2 may be rejected. Fact as draft please. HM 23/7/03

Spre. There is ahead a copy of the Toddy Rule in to HM 24/7/03

1) Draft ruled b Lee.

2) to questions as to allocation powers of the Excise Comrs over the Collectors of Distds in Excise matters please see Secretary's order dated 15/5/03 on the file for us.

In the case resp[d] A, I raised the question without referring to the Regulation & the rules. I have now considered the effect of the rules under the Excise Reg[n] & think that the Excise Com[r] is the proper appellate authority over Collectors' orders in Excise matters

My reasons are

1) Under Instr[n] of 5/1/02 No 11212/EF3-1901 the Excise Com[r] is x x -- A Lee

the control of the administration
of the Excise Dept. & of the
collection of the Excise revenue"

(2) Under notification dt 10/1/02 No 11469
Ex F 3-1901
(Foreign liquor rules) all
advs levied by the Dy Com
under these rules will be
subject to appeal to the
Excise Com & finally to Govt"
(Rule XIV)

3) Rule XXIX of
the Arrack Rules published
under notification dt 8/1/02
No 11387
Ex F 3-1901 is similar to
the Rule IX of the Toddy Rules
above referred to. Hence as I
think, the Excise Com is the
immediate superior of the
Dy Com, there can be no

doubt that an appeal lies from the ~~Dy~~ order of a Supt who is an Excise officer acting as the delegate of the Excise Comr)
of the Excise Comr

27/7/15

Powers are those of a Dy Comr?
The clerk may discuss this personally. H.M.
27/7

(passed under any of the above Acts)

Yes the Supt has same powers as the Magistrate

The Toddy rules say that an order is appealable to the immediate superior It is not stated expressly that the Excise Comr is the immediate superior of the Dy Comr. As the Excise Comr has under the Regns and the Powers of a Dy Comr, the Com-

trol given to him may reasonably be held to refer only to matters of departmental discipline and not to proceedings like this of a quasi-judicial nature affecting rights & liabilities of private Parties

submitted with draft for approval

29/7/3

To the Dewan,
through the 2nd. Councillor

U45
30.7.03

The appellant has no grievance
The appeal must be rejected.

I think in such cases
an appeal lies direct to
Govt.

30/7/03

31/7/3

Done
31/7

11862
31.7.03

Sep Rec 21/6/1902 Ex 674

Reg. 16/45 30/6/1902

No. 3360

Name of Petitioner Rame Aro

Village Byadarahalli

Taluk Yedatore

District Mysore

Date of Arzi 21/6/1902

Date of Receipt 21/6/1902

Date of Disposal

No. of Enclosure four.

(1) May thus be transferred to the Excise Branch —

21/6/1902

2) Appeal duly stamped

3) order complained of, produced

22
21-6-02

Stamps & Excise B

21/6/02

Rec'd 24/6/02

Submitted with a draft for approval or ordered. The petitioner desires to be given a personal hearing. ~~Unless he appears~~ If he appears he may be summoned after the receipt of the Ex. Commissioner's order and record

Issue.
24/6/02

ABSTRACT

This is an appeal petition against the Dy Commrs endorsement No 208 dated 6/5/1902 stating that second sale was effected and confirmed in April the petition is rejected

For 1901-1902 the petitioner bid for the Byadarahalli, Kesture, Kapidyatre, Tippu Toddy Shops for Rs 814 per

month. The petitioner says that he was regularly paying the Kists till January when Obegowda who was looking after the Tappur ship left the business to bring the petitioner to trouble, and the ship was closed for a month. The Amildar warned the petitioner that he would be prosecuted if he closed the ship, the petitioner at a great cost resumed the ship. In March there last there was a balance due from the petitioner to the extent of Rs 131. When the demand for payment was served, the petitioner was ill.

and consequently he
begged to be given time
The Calcutta authorities
however sold the ship
which was confirmed
~~within 5 or 6 days~~ within 5 or 6 days of the
sale. This, says the
petitioner has put
him to much loss. The
petitioner represents that
the due of Rs 13/ could
have been made good
from the deposit of Rs 3/8
of the petitioner, or even
if the whole deposit
had been taken as for
he represents he would
have been a gainer if
the sale had not been
made. The petitioner
begs for a personal hearing

Enclosures.

(1) By Counsil Endorsement No 208 dated 16/5/1902 referred to in the abstract

(2) Petition to the Collector Salem (30-4-1902) on which references were called as shewn by the endorsement on the petition itself

(3) & (4). Two receipts for Rs 13/- & the other due on the tax

No 573 Exc. Order with 4 enclosures

dt 30th June 1902.

Sep. Rec 21/01/02

Sl 2

Recommend

Petition registered No 3360/4474 dated 2/6/02 from Rame Gowda and farmer of Byadarahalli and 3 other Toddy Shops in Yedatore Taluk for the year 1901-1902, appealing against the order no 208 of 16/5/02 of the Deputy Commissioner Mysore District, in declining to take action in the matter of the resale of the toddy shop at Thippur held in the month of April 1902 is forwarded to the Excise Commissioner in Mysore for ~~favour~~ ~~early~~ report together with the Complete record ~~connected~~

of with the Case

B &

[illegible]

[illegible]

16
24/6/72

Reference
to
14-2-03

3360 of 901 ... 21-6-02 ... 16-2-03

Sep Rec 21-01-03

Sl 3

1903

No. 1895

Name of Petitioner Gouda Ramaiya urs

Village Badarahalli

Taluk Hedathore

District Mysore

Date of Arzi 29-1-03

Date of Receipt 31-1-03

Date of Disposal

No. of Enclosure Nil

I transferred to the Excise Branch in continuation

Submitted with address for the Petitioner comes in cont. of no 5738 of 30/6/03

ABSTRACT

Reminder to the petition (appeal) submitted on 8-7-902 regarding the sale of toddy shop at Lippur which was done unjustly although money was recovered from the petitioners.

Petitioner states that it is learnt that Excise Officers have been asked to enquire whether the amount has been paid and prays

6G
~~that~~ enquiry be ordered
to be held in the presence
of the Solicitors to enable
him to prove the payment
of money as the fact cannot
be proved in the Petitioner's
absence

WEP
16.9.03

Sep Rev 21 of 01-02

No 353 & Rec-ord
2c

4 dt 24/2/03

Coffl. memo

Petition resp no

1895/325 dt 13/2/03 from
Doddamane Rame Gowda
of Byadarahalli, Yedatore
Taluk, Mysore
District, praying that
that the enquiry
ordered to be held
in the matter of the
resale of the toddy
shop at Thippur
held in April 1902,
be directed to be
held in his presence,
is forwarded to the
Exse Comr in Mysore
in continuation of
this office memo. no
573/C dt 30th June 02

Bell.

20/2/03

Forwarded

Reference
21-2-03

1895 ಫೆಬ್ರವರಿ 23ನೇ ರಂದು ಶ್ರೀಯುತ ವೆಂಕಟರಾಮಪ್ಪ
17-2-03 ರಂದು ಬಂದಿದೆ

23-2-03

Transferred to the Excise Branch in continuation

23-2-03

24/2/03

Filed with acknowledgt

Date
26/2/03

Rev. Dept. 10

Sep. Rev. 21 of 01-02 1903

No. 2073

Name of Petitioner Ramaprabhoo

Village Badekalli

Taluk Nagamangala

District Mysore

Date of Arzi 12-2-03

Date of Receipt 19-2-03

Date of Disposal

No. of Enclosure Nil

ABSTRACT

States that no order has been passed on the application of 18-7-02 submitted to Govt regarding today Shop at Lippur that the above Shop was auctioned for Rs 44/0/- on account of Rs 20/- due, and that for the arrears, the amount due to the petitioner from Taluk was credited and that there was no reason to credit the amount due to the petitioner after the sale was confirmed. Reqs for orders before

MGCPB—5,000—10-11-02

MYSORE DEWAN'S OFFICE
REGD. NO. 20730
DATE 19-12-1903

12

By post night
19-12-03

2073

No. 379 14
dy 27/2/03 Dep; Rev. 21 & 01-02
SL

Deed of research

will reference to his petitions noted in the margin complaining against the resale of the Thiftheen toddy shop held & paid to have been held in April 1902, Rame Uno. residing in Byndoor Udupi Taluk, is informed that all his petitions have been forwarded to the Revenue Commr in Mysore - for report -

26/2/03

Forwarded

No. 380 dt

Copy forwarded

3360 / E 474 dy 2/6/02
1895 / E 325 dy 19/2/03
2073 / E 332 dy 24/2/03
} Reminders

to the Circuit Court
in Mufroe, together
with the record pertaining
2073 of 1942 of 3, in
Eq 332
Combination of
this office cause.
Ino 355/4 of 1942 of 3
Bell

26/2

For Secret

Filed
2-6-43

Ex 350 Sep: Rev. 21 of 01-02

OFFICE OF THE DEWAN OF MYSORE
Regd. No. 9644
3rd MAR. 1903

Sl 7
1903.

From

V. Venkatappa Esquire B.A.
Excise Commissioner
in Mysore.

To

H. V. Nanjundiah Esquire M.A. M.L.
Secretary to the Government of
H.H. the Maharaja of Mysore,
General and Revenue Departments

Dated 28th
Despatched 2/3 } February 1903.
Received

General No. 5225
No. 341

Enclosure No. 12 file

Subject

Submits copies of communications from the Deputy Commissioner Mysore District, reporting that the allegations made in the petition of Ramé Urs Toddy Vend farmer of Byadarahalli and other Ryots in the Yedatoré taluk, for the year 1901-1902 are untrue.

Ex cur
3.3.03

Noted
Date
21/7/03

Excise Commissioner's Office,

No. 5225 / 341 Sec 12 15 Bangalore, dated 28th February 1903.

From,

N. R. Narasayya Esquire B.A.

Excise Commissioner,

in Mysore.

To,

H. V. Nanjundiah Esquire M. A. B. L.

Secretary to the Government of H. H. The

Maharaja of Mysore, General and

Revenue Departments.

Sir,

In reply to your official memos, No. 573 dated 30th June 1902, and 355 dated 24th February 1903 I have the honor to submit herewith Copies of the marginally noted Communications from the Deputy Commissioner, Mysore District, reporting that the allegations made in the petition of Rame Urs, Toddy vend farmer of Byadarahalli and other shops in the Yedatore taluk, for the year 1901-1902, are not true.

I have the honor to be,

Sir,

your most obedient Servant,

For Excise Commissioner,

in Mysore.

Docket-2 No 18, dated 16th August 1902, from the Deputy Commissioner Mysore District

Docket-2 No 124, dated 23rd February 1903, from Do. Copyholder with his original enclosures.

1902 – 1903. Sep Rev. 21 of 01-02 17

Enclos to S. 7

From,

The Deputy Commissioner

Mysore District.

To,

The Excise Commissioner,

in Mysore.

Dated 16th August 1902.

No. 18.

Enclosure (one file)

His No. 13 dated 12th July 1902 forwarding copy of Officer memorandum No. 573/Ex dated 30th June 1902 from the Secretary to Government, General and Revenue Departments re the petition of Kame Urs, Toddy vend Farmer of Byadarahally and other Toddy Shops in the Yedatoré Taluk.

With reference to the above, has the honor to state that as Kame Urs failed to pay the Kist on account of Tippur Toddy Shop for march 1902, in due time, the resale of the Shop was ordered, as requested by the Amildar of Yedatoré. The resale was confirmed and the Amildar was directed to recover the deficit from the security originally deposited by the petitioner. The resale took place and was confirmed in strict conformity with the existing rules.

The entire vernacular correspondence connected with the case, together with the petition received with the above, is herewith forwarded

for

for reference and obliging returns where no longer required.

(Sd.) K. Mathan.
for Deputy Commissioner
Mysore District.

1902-1903.

From,

B. K. Venkataravada Iyengar Esquire
Deputy Commissioner
Mysore District

To.

P. R. Purnaiyya Esquire B.A.
Excise Commissioner, in Mysore.

Dated. 23rd February 1903.
No. 124.

His No. $\frac{4305}{118}$ - dated the 26th ultimo, calling for a full report on all the points alleged by Ramé Urs in his petition.

With reference to the above has the honor to forward herewith the entire correspondence ending with the Yedatoré Taluk Amildar's report No. 49 dated 7-11-1902 from which it will be seen that the allegations made in the petition are not true, that Obegowda was not a Shikmi Contractor, that a portion of the rental had been paid by the petitioner and that the full

amount

amount of Khist was due on the date
19
of resale.

The failure on the part of the
renter to pay up the rental even after
the lapse of 20 days after the due time
led to the resale of the Shop in
question. The resale took place,
and was confirmed in strict
conformity with the rules. There is
no provision in the Toddy Rules to
utilize the deposit amount in the
way proposed by the petitioner. The
disposal of the deposit amount is
left to the discretion of the Deputy
Commissioner after the resale.

(Signed) K. Nathan
for Deputy Commissioner
Mysore District.

"Copies"

[illegible]
for Excise Commissioner
in Mysore.

Reference
-31
25-7-03

2073 of 02 Rev 3525 of 02-03
23-2-03 cy
25-7-03

Transferred to the Excise Branch in continuation

31
25-7-03

27/7/03

E458 of 28/7/03.

Sep: Rev. 21 of 01-02
1903-04
SL 8

20

No. 179

Name of Petitioner Doddamane Ramaiya

Village Byadarahalli

Taluk Yedatore

District Mysore

Date of Arzi 14.7.03

Date of Receipt 18.7.03

Date of Disposal

No. of Enclosure Nil

ABSTRACT

Adverting to his three previous petitions and the order issued 2 or 3 months ago, on the 3rd of the petn to the effect that orders would be issued soon after receipt of report from the Excise Comr, complains of the non-issue of final orders as yet and prays for a full enquiry and for making good the loss sustained by the petr owing to the resale of the Toddy Shops referred to

States also that the

Excise

Excise authorities are pressing him to pay Rs 28-10-0 due by him and prays that all coercive measures be ordered to be Stayed pending the amount adjusted out of the deposit amount of the petr after final disposal of this case.

25/03

2

MYSORE [illegible] OFFICE
179R
DATE 18-7-1903

[illegible] 22-03

[illegible]

[illegible]

1901-1902 [illegible]

[illegible]

14.7.1903

14.7.1903

Vro 115 Ex Sep Rev 21/2/01-02
Dr 6/8/03 sd 9

Endorsement

With reference to the letter No. 3360-E.4769 dt 26.2.03, 1895-E.3250 dt 19.2.03 and 2073-E.3320 dt 24.2.03 and in Continuation of Endorsement No. 379-E dt 27.2.03 in the matter of his Complaint against the passage of Thippa toddy shop held in April 1902, Ranganna resident in Byadenhalli, Yedatore Taluk, is informed that as the passage has been held in

11 3/7/03
* Reminders

street Conformity
with the pre-
in force Court
de accede the statement
of the parties, counsel
the responsible to
the matter, Court
decline to interfere
in the matter

BCC

[illegible]

[illegible]

[illegible]

Confirm the Order
Court in response
refusing accord to
the proceed with the
the Hon no 5285/541 of 2nd March 03

BCC.

[illegible]